REMARKS

Reconsideration and allowance of the above-referenced application are respectfully requested.

Initially, applicant apologizes for overlooking the fact that claims 11-13 and 17-20 were previously withdrawn from consideration.

Claims 2-4, 6, 8, 10 and 21 stand rejected under 35 U.S.C. 102 as allegedly being anticipated by Humpleman. This contention is respectfully traversed, and for reasons set forth herein, the rejection does not meet the Patent Office's burden of providing a prima facie showing of unpatentability.

Initially, it is important to consider the specific scope of the specific rejected claims. Claim 2, for example, defines a television remote with first buttons controlling functions on a controlled television where the remote is separate from the television. The television remote also has a command which accesses information from a hyperlink "that is associated with a television program that is being currently displayed on the display of the television". Claim 2 also requires that the information from the hyperlink is displayed "on the display of the separate computer". Accordingly, claim 2 requires that the television remote allows actuating information from a hyperlink on a television program, and that the information from the hyperlink is displayed on a display of the separate computer.

With that factual backdrop, consider the scope and contents of Humpleman. Humpleman teaches a home network system that is controlled using HTML, e.g. Internet appliances. Humpleman explains that the home network is browser-based,

and that HTML or the like can be used for an interface for controlling of the devices over the network. See generally column 4 lines 17-32.

Column 5 describes that several devices can be connected over the network, and that each of the devices are controlled via an HTML page. A digital TV 102 "DTV" displays the pages that are used to control the home devices. See generally column 6 lines 1-13. The DTV behaves as the client, with the home devices that are being controlled behaving as the servers. See column 6 lines 48-50.

Again, the home devices produce HTML pages, while the DTV 102 access a client, and graphically displays the controlling command information. Each home device sends its GUI to the DTV, see column 6 lines 51-64.

The user controls any of these devices using the HTML controls, see generally the section entitled "HTML two-way web mechanism" beginning column 7 line16. In essence, any user can control any device over that GUI.

The next section is entitled "home device discovery process", and is discussed beginning at column 10 line 48. This describes how the devices are discovered over the network. The section beginning column 13 line 7 is an auto tree builder that builds a tree representing the structure of the network.

The session manager is described beginning column 14 line 19. The session manager describes the kind of things that can be done. For example, these services may include starting a movie playing, programming, and recording on the VCR. See column 14 lines 26-29. The session manager can also cause home devices to connect directly so that the TV can broadcast information to the VCR, see generally column 14 lines 40-49. This section describes many different things that can be done. For

example, a remote television can become deactivated. See column 16 lines 3-5.
Column 17 lines 24-34 explain that the user may select other home devices to enable
connection with one home device. Again, these home devices can be caused to
communicate with one another.

Column 19 beginning at line 17 describes executing a service. This allows a
service to be executed on the home network, on multiple devices at a time. Again, this
service can require that multiple different devices communicate with one another.

Column 20 line 47 describes how this can be controlled from external to the
network.

Column 21 lines 6 describes that macros can be written.

Column 22 beginning at line 40 describes the program guide.

Finally, the conclusion begins at column 23 line 50. This describes how a single
controlling such as a TV or PC can be used for controlling a plurality of devices over the
network. This section describes "a remote control device to a detector such as an IR
detector on the client device". This remote would control some device that would in
turn control some other device over the network. The remote might control the DTV, for
example, which is connected to the network, and hence can control some other device.

The first discussion of remote control devices is in the background and summary,
where the summary states that the object is to allow plural operations to be executed on
the network from a single actuation on a remote control device.

Within the specification, the remote control is described only at column 8 lines
36-39; and in the previously cited conclusion. In column 8, the only statement made is

that "a single command set may be used in a remote control for controlling plural (different) devices by communicating with the client device rendering of the GUI".

From this it should be easily seen that there is no disclosure of the specific subject matter defined by claim 2. Claim 2 requires a television remote "which has first buttons controlling at least a plurality of functions on a controlled television". There is no specific disclosure of such a television remote in Humpleman. Humpleman ONLY refers to a generic remote, and does not say one word about its buttons.

Claim 2 requires that the television remote has a command "which accesses information from a hyperlink that is associated with "a television program that is currently being displayed on a display of the television". There is no showing, and in fact no disclosure in Humpleman, that the remote control actually interfaces with the HTML page that is produced by the server. Even if it does, an HTML page is certainly not a "television program". New claim 22 makes this even more clear, by stating that the television program is a program obtained from a television broadcast, further distinguishing over an HTML page of the type that is disclosed by Humpleman.

Claim 2 further requires that the remote communicates with a separate computer. There is no disclosure that the remote communicates with any separate computer. The remote disclosed in Humpleman only communicates with the that has a corresponding IR receiver to receive the signals from that specific remote, for example the DTV or a VCR. Column 9 line 39 of Humpleman explains that the remote communicates with the client device. Column 23 lines 55-66 also describes that the remote communicates with the client device. Humpleman has no disclosure that the remote communicates <u>with a separate computer</u> as defined by claim 2.

Claim 2 further defines that that communication displays the information from the hyperlink on the display of the separate computer". Again, Humpleman alludes to a separate computer, but all display is done on the DTV. There is no disclosure that information from the hyperlink on the TV is displayed on a separate computer display.

Admittedly, Humpleman's technology might be <u>modifiable</u> to be used in a modified way to cause a display of information on the separate computer. However, this would require modification of the specific disclosure in Humpleman, since Humpleman does not specifically disclose doing this.

Claim 3 defines a command that causes the information to be displayed at a next start up of the separate computer. This is wholly undisclosed by Humpleman. The rejection states that column 13 lines 7-14 line 18 of Humpleman teaches this. However, this is completely incorrect. Column 13 line 7 describes the tree builder, which describes how "the device list file of a home network" is created. This shows the grouping of different hardware, see generally column 14 lines 6-19. It does not disclose information is displayed at a next start up.

Claim 4 requires that the information, that is the information from the hyperlink, is added to a list of Internet favorites on the separate computer. There is no disclosure of this in Humpleman. The rejection states that this is disclosed in column 13 lines 20-44. However, this section simply describes the device tree, and says not one word about favorites, and certainly does not disclose the subject matter of claim 4.

Claim 8 requires that the hyperlink includes an indication of the indication of a referring source. The rejection states that this is shown in column 12 line 60 through column 13 line 6. That cited section of Humpleman describes a broadcast message

that can be sent to multiple items on the network. It discloses nothing about an indication of a referring source.

Claim 10 defines that the remote includes a separate receiver which receives hyperlinks. The rejection alleges that Humpleman "inherently" discloses this. This is nonsense, since Humpleman says precious little about the remote, in fact only refers to the remote in the specific sections referred to above. There is not one word about a receiver in the remote. Not one word. This is clearly an improper rejection.

Claim 21 defines using a remote control device at a first time to control television based programming content that is delivered by the entertainment media and using it as a second time to indicate that access is desired to information associated with the hyperlink that is associated with a television program that is being carried on the entertainment media. This is clearly patentable for reasons discussed above. Specifically, nothing in Humpleman teaches anything about a hyperlink that is accessed being associated with the television program that is carried on the entertainment medium.

Claim 22 has also been added herein to make it more specific that the program is one that is obtained from a television broadcast.

Claim 7 and 9 stand rejected over Humpleman in view of Kamada. Initially, each of these claims should be allowable by virtue of their dependency. Moreover, the rejection admits that Humpleman does not disclose sending an e-mail based on the clicking or making a purchase based on the actuation.

Kamada simply teaches that Internet can be accessed over the television. In essence, this is nothing more than displaying television on an Internet screen.

Kamada's Figure 4 shows that an e-mail can be sent as part of the Internet browsing experience. However, claim 7 requires the command accesses information and causes an e-mail to be sent. Note also that claim 7 requires that "said command" is the command that "accesses information from a hyperlink that is associated with a television program". Kamada certainly does enable an e-mail to be sent, but not an e-mail based on that command that "accesses information from a hyperlink that is associated with a television program" as required by claim 7. Hence, claim 7 is very different than the teaching of Humpleman in view of Kamada.

Similarly, claim 9 requires a command that can be accessed to purchase an item, but again that item must be one that is associated with the hyperlink being displayed.

Therefore, claims 7 and 9 should be allowable for these reasons.

As a final issue, this case was originally filed in 2000, and hence has been pending for more than six years. M.P.E.P. 707.02 clearly states that any case that has been pending for more than five years should be considered special by the Examiner. An indication that the application is being treated as special is respectfully requested.

It is believed that all of the pending claims have been addressed in this paper. However, failure to address a specific rejection, issue or comment, does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above are not intended to be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the

amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

       For all of these reasons, it is respectfully suggested that all of the claims should be in condition for allowance. A formal notice of allowance is hence respectfully requested.

       Please charge any fees due in connection with this response to Deposit Account No. 50-1387.

                                       Respectfully submitted,

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